

California Victim Compensation and Government Claims Board Open Meeting Minutes

January 19, 2006

The California Victim Compensation and Government Claims Board (Board) convened its regular session at the call of George Valverde, Acting Secretary, State and Consumer Services Agency, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Thursday, January 19, 2006, at 10:03 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Michael Ramos, San Bernardino District Attorney.

Board staff present included Karen McGagin, Executive Officer; Tom O'Connor, Chief Deputy Executive Officer; Kathleen Andleman, Chief Counsel; and Peggy Adams, Manager, Government Claims Program. Christina Aceituno, Acting Board Liaison, recorded the meeting.

The Board meeting commenced with the pledge of allegiance.

MINUTES

The Board voted to adopt the minutes of the December 15, 2005, Board meeting.

GOVERNMENT CLAIMS PROGRAM

Item 1 **Government Claims Consent Agenda:**

The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda with the following changes:

Item 54 **City of Richmond** **G555566**

The Board approved staff's request to continue this claim.

Item 113 **Mark III Engineering Contractors** **G549910**

The Board approved staff's request to continue this claim.

Item 119 **LA Schools Federal Credit Union** **G555428**

Barry A. Smith appeared on behalf of LA Schools Federal Credit Union. The Board approved staff's request to continue this claim.

Item 157 **Gregory C. Humpal** **G557628**

Gregory Humpal appeared. The Board voted to adopt the staff recommendation to reject this claim.

Total Claims	Claims Rejected	Claims Allowed in Whole or Part	Claims Allowed	
			Paid via Gov. Code §965	Paid via Claims Bill
192	55	107	68	40

Item 2 **Claimant: Kenneth Marsh** **G550140**

Kenneth Marsh and his representative, Donnie R. Cox, appeared. The Board voted to adopt the proposed decision and to recommend that the Legislature make an appropriation in the amount of \$756,900 to indemnify Kenneth Marsh for pecuniary injury sustained through his erroneous conviction and imprisonment.

Item 3 **Claimant: Alternative Programs, Inc. G540627, G540703, G540841, G546232, G546236, G552248, and G552455**

Scott E. Huber appeared on behalf of Alternative Programs, Inc.; Michael Doughton, Senior Staff Counsel, appeared on behalf of the Department of Corrections and Rehabilitation. The Board voted to continue this claim to the March 16, 2006, Board meeting.

Item 4 **Claimant: R. L. Klein & Associates** **G556106**

Mr. Robert Klein appeared on behalf of R. L. Klein & Associates; Julie Jones, Contracts Officer, appeared on behalf of the Department of Motor Vehicles. The Board voted to adopt the staff recommendation to partially allow the claim in the amounts of \$1,323.06 for the April 26, 2005, invoice and \$20,964.18 for the June 13, 2005, invoice to be paid under the authority of Government Code section 965 (agency pay).

Item 5 **Claimant: Compuware Corporation** **G539432**

This item was withdrawn from the agenda.

Item 6 **Claimant: Alvarado Medical Center** **G554325**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$185,730.69, to be paid under the authority of Government Code section 965 (agency pay).

Item 7 **Claimant: Staff USA, Inc.** **G551963**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$53,678.37, to be paid under the authority of Government Code section 965 (agency pay).

Item 8 **Claimant: International Business Machines Corporation** **G555910**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$73,730, to be paid under the authority of Government Code section 965 (agency pay).

Item 9 **Request for Extension of Delegated Authority**

The Board voted to adopt the staff recommendation to approve the request by the Department of Motor Vehicles for a one-year extension of its delegation through January 31, 2007, to settle and pay or to reject tort and express contract claims of less than \$1,000.

Item 10 **Discharge of Accountability for Uncollectible Accounts**

The Board voted to approve the staff recommendation to discharge accountability for uncollectible accounts totaling \$53,976,553.14, pursuant to Government Code section 13940, et seq.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 10:40 a.m.

REPORTS TO THE BOARD

THE EXECUTIVE OFFICER'S STATEMENT

The Executive Officer presented her report to the Board which included information on the following:

- Gubernatorial appointment of Fred Aguiar as Cabinet Secretary effective February 1, 2006
- Strategic Planning Initiative
- New VCGCB Accounting System
- California District Attorneys Association Winter Conference
- Victim Advisory Council Meeting
- Program Activities

CONTRACTS REPORT

The Executive Officer delivered the Contracts Report for December 2005.

MENTAL HEALTH COUNSELING SESSION LIMITATIONS UNDER THE VICTIM COMPENSATION PROGRAM

The Board voted to adopt the following staff recommendations:

1. Adopt the proposed guidelines to become effective upon repeal of the existing regulations.
2. Repeal the regulations and file an informational copy of the new service limitations and session limits with the Secretary of State pursuant to Government Code section 13957.2 (a).
3. Require staff to report back to Board on the effect of the new guidelines in one year.

RECOMMENDATION TO THE BOARD REGARDING PAYMENT UNDER THE VICTIM COMPENSATION PROGRAM FOR FUNERAL AND BURIAL EXPENSES

Margaret Petros of the Santa Clara Victim Witness Center appeared and supported the recommendation to eliminate the \$5,000 soft cap for funeral/burial expenses.

The Board voted to adopt the staff recommendation to remove the soft cap of \$5,000 for funeral and burial expenses and to require staff to report back to the Board on the effect of the new policy in one year.

REQUESTS FOR RECONSIDERATION

Items 1 – 7 The Board voted to adopt the staff recommendations to allow the requests for reconsideration for agenda item numbers 1 through 7.

Items 8 – 36 The Board voted to adopt the staff recommendations to deny the requests for reconsideration for agenda item numbers 8 through 36.

CLAIMS FOR WHICH APPEALS WERE WITHDRAWN OR DEEMED TO BE WITHDRAWN

Items 37 – 94 The Board voted to adopt the staff recommendations on the claims for which appeals were withdrawn or deemed to be withdrawn and action on claims for which a hearing was denied under California Code of Regulations, Title 2, section 647.20.1 or for which the applicant failed to appear or proceed under section 647.35.

CLOSED SESSION

Pursuant to Government Code sections 11126(c)(3) and 11126(e), the Board adjourned into Closed Session with the Board's Executive Officer, Chief Deputy Executive Officer, and Chief Counsel at 11:02 a.m. to deliberate on the proposed decisions for agenda item numbers 95 through 107 and to confer with and receive advice from legal counsel regarding pending litigation.

The Board reconvened into open session at 11:05 a.m.

Items 95 – 107 The Board voted to adopt the proposed decisions for items 95 through 107.

ADJOURNMENT

The meeting was adjourned at 11:06 a.m.

KAREN McGAGIN
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of February 16, 2006, at Sacramento, California.

Date: February 16, 2006

By:

Christina M. Aceituno
Acting Board Liaison

(Affix seal here)